REMARKS

Favorable action on the merits is solicited in view of the foregoing amendments and the following Remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-25 are pending in this application and subject to an election of species requirement.

On page 4 of the Office Action, it was noted that claim 8, which depends on claim 6, fails to further limit claim 6. In reply, Applicants have amended claim 8 to correct this informality. Support for the amended claim may be found on page 8, line 10. No new matter has been added by this amendment.

II. RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In response to the Election of Species Requirement, Applicants hereby provisionally elect, with traverse, the levorotatory species, i.e., Species I, as the elected species for examination on the merits. This levorotatory species corresponds to and reads on at least claims 6, 8, 9, 11, 13 and 15. It is also believed that generic claims 1-5, 17 and 18-25 are also readable on the elected levorotatory species.

The traversal is on the grounds that the election of species requirement is improper as a matter of law. This application is a §371 National Stage application of International

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application PCT/FR04/03022. Accordingly, the Patent Office is required to follow the rules regarding unity of invention and PCT Rules 13.1 and 13.2.

PCT Rule 13.1 states that the International application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept. PCT Rule 13.2 further provides that where a group of inventions is claimed in one and the same International application, the requirement of unity referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution with each of the claimed inventions, considered as a whole, makes over the prior art. Thus, PCT Rule 13.2 is art-based and requires the citation of a publication showing the "special technical feature". Therefore, absent any showing that the "special technical features" that are shared by all the pending claims, are present in a prior art reference, no determination of lack of unity can properly be made. As the Official Action failed to provide such a citation, Applicants believe that the lack of unity requirement is improper as a matter of law.

Further, it should be noted that the terms levorotatory and dextrorotatory simply distinguish a direction of rotation of liquid crystal molecules. Applicants see no good reason why a

clockwise or a counterclockwise direction of rotation should be designated as a "preferred" species for purposes of examination. It is believed that the species are sufficiently closely related that a search and examination of the entire application may be made without a serious burden to the Office.

Thus, in view of the above, it is believed that the Applicants are entitled to an action on the merits of all pending claims, in their full scope, in the present application.

In the event that the Office disagrees with this traversal and maintains the requirement, then kindly consider and examine additional species, upon a determination of allowance of the generic claims, in accordance with U.S. election of species practice.

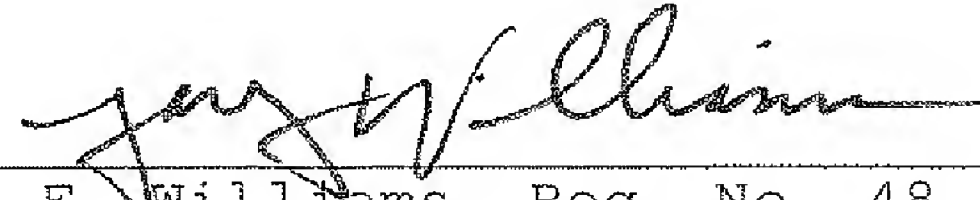Favorable action on the merits is respectfully requested.

If the Office has any proposals for expediting prosecution, then please contact the undersigned at the telephone number below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional

fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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